

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SAMUEL T. COHEN and JEROME  
BIRN, On Behalf of Themselves and All  
Others Similarly Situated and Derivatively  
on Behalf of THE BEAR STEARNS  
COMPANIES, INC.,

Plaintiffs,

vs.

JAMES E. CAYNE, SAMUEL L.  
MOLINARO, JEFFREY M. FARBER,  
JEFFREY MAYER, MICHAEL  
MINIKES, ALAN D. SCHWARTZ,  
WARREN J. SPECTOR, HENRY  
BIENEN, CARL D. GLICKMAN,  
MICHAEL GOLDSTEIN, ALAN C.  
GREENBERG, DONALD J.  
HARRINGTON, FRANK T. NICKELL,  
PAUL A. NOVELLY, FREDERIC V.  
SALERNO, VINCENT TESE, WESLEY  
S. WILLIAMS, JR.,

Defendants,

-and-

THE BEAR STEARNS COMPANIES,  
INC., a Delaware corporation,

Nominal  
Defendant.

**Civil Action No. 07-cv-10453-RWS**

**NOTICE OF MOTION AND MOTION  
TO APPOINT LEAD COUNSEL**

**PLEASE TAKE NOTICE** that Samuel T. Cohen and Jerome Birn, plaintiffs in *Cohen, et al. v. The Bear Stearns Companies, Inc., et al.*, Case No. 1:07-cv-10453-RWS (the “Derivative Action”), by their counsel, move this Court for an Order: appointing the law firms Brower Piven, A Professional Corporation and Robbins Umeda & Fink, LLP as Co-Lead Counsel in the

Derivative Action. In support of this Motion, Plaintiffs Cohen and Birn submit the following:

- (1) Memorandum of Law in Support of Plaintiffs Samuel T. Cohen's and Jerome Birn's Motion to Appoint Lead Counsel in the Derivative Action;
- (2) Declaration of David A.P. Brower in Support of Plaintiffs Samuel T. Cohen's and Jerome Birn's Motion to Appoint Lead Counsel; and
- (3) A Proposed Order Granting the Plaintiffs' Motion.

DATED: June 10, 2008

Respectfully submitted,

BROWER PIVEN  
A Professional Corporation

By: /s/ David A.P. Brower  
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